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December 1, 2006

VIA ECF AND HAND DELIVERY

Magistrate Judge Kiyo A. Matsumoto
United States Magistrate Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Weiss et al. v. National Westminster Bank Plc, 05-CV-4622 (CPS) (KAM)

Dear Magistrate Judge Matsumoto:

On behalf of defendant National Westminster Bank Plc ("NatWest") in this action, we enclose as new authority a copy of Magistrate Judge Pohorelsky's November 25, 2006 decision and order in the consolidated Arab Bank lawsuits ("Order"), which was issued after NatWest served its opposition to plaintiffs' motions for an order overruling defendants' foreign law objections and compelling further discovery.¹

Like NatWest, the defendant bank in Arab Bank raised foreign bank secrecy objections to the production of certain documents and information relating to its customer. Although the bank secrecy objections at issue in the two actions implicate the laws of different jurisdictions -- English law here, and the laws of Jordan, Lebanon, and the Palestinian Authority in Arab Bank -- the Order may provide guidance for Your Honor's resolution of plaintiffs' pending motions because it directly addresses three critical points that are common to the proceedings.

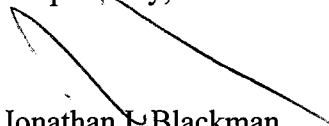
¹ The parties will complete their briefing on plaintiffs' motions on December 19, at which time their respective motion papers will be filed with the Court in accordance with Your Honor's local rules.

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First, Magistrate Judge Pohorelsky rejected plaintiffs' argument (also made by the plaintiffs here) that the bank secrecy laws at issue did not prohibit the defendant bank from responding to requests to admit seeking authentication of purported customer documents that the plaintiffs obtained from sources other than the bank itself. See Order at 6. Second, he rejected plaintiffs' argument that the defendant bank's alleged prior disclosure of certain customer information had waived the bank secrecy right, finding that "[t]he bank secrecy laws . . . establish confidentiality rights held by the customers of the bank, rights waivable only by the customers, not the bank." Id.

Third, and most important, Magistrate Judge Pohorelsky concluded that, although the bank secrecy objections raised by the defendant bank were, given the particular circumstances in the Arab Bank cases, outweighed by the plaintiffs' need for discovery, it was nevertheless appropriate to provide the bank with the opportunity "to pursue avenues for obtaining permission to disclose the information from pertinent governments and authorities through letters rogatory or other devices, and [that the bank] should be given a specified period of time to do so." Id. at 11. This Court should follow Magistrate Judge Pohorelsky's sensible and pragmatic approach to resolving foreign discovery disputes and, in the first instance, issue letters of request to the appropriate governmental authorities in England. As NatWest has argued in its opposition brief, this course of action could enable it to provide documents and information concerning customers without running afoul of its home country's bank secrecy laws, and obviate the need for any further order of this Court regarding this issue.

Respectfully,



Jonathan I. Blackman

cc: All Counsel